

Agreement Regarding the
Military Use and Operating Rights
of the Government of the United States in
the Federated States of Micronesia
Concluded Pursuant to Sections 211(b), 321 and 323 of
The Compact of Free Association, as amended

Agreement Regarding the
 Military Use and Operating Rights
 of the Government of the United States in
 the Federated States of Micronesia
 Concluded Pursuant to Sections 211(b), 321 and 323 of
 The Compact of Free Association, as amended

TABLE OF CONTENTS

Article I.....Definitions.....	Page 1-1
Article II.....Applicability of Status of Forces Agreement.....	Page 2-1
Article III.....Provision of Defense Sites.....	Page 3-1
Article IV.....General Military Use and Operating Rights.....	Page 4-1 to 4-2
Article V.....Aids to Navigation.....	Page 5-1
Article VI.....Community Relations Council.....	Page 6-1
Article VII.....Miscellaneous.....	Page 7-1
Article VIII.....Effective Date, Amendment And Duration.....	Page 8-1
Annex A.....Humanitarian Assistance – Federated States of Micronesia (HAFSM) Program.....	Pages A-1 to A-4

Agreement Regarding the
Military Use and Operating Rights
of the Government of the United States in
the Federated States of Micronesia
Concluded Pursuant to Sections 211(b), 321 and 323 of
The Compact of Free Association, as amended

This Agreement sets forth:

- (a) The conditions under which the Government of the United States shall make available the Humanitarian Assistance – Federated States of Micronesia (HAFSM) Program to the Government of the Federated States of Micronesia pursuant to Section 211(b), Title Two, of the Compact of Free Association, as amended; and
- (b) The military use and operating rights of the Government of the United States in the Federated States of Micronesia pursuant to Sections 321 and 323, Title Three, of the Compact, as amended.

Article I

Definitions

1. The Definition of Terms set forth in Article VI of Title Four of the Compact, as amended and the Definitions set forth in paragraph 2 of Article I of the Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact, as amended (the Status of Forces Agreement) are incorporated in this Agreement.
2. For the purpose of this Agreement only, the following terms shall have the following meanings:
 - (a) "Humanitarian Assistance – Federated States of Micronesia Project Team" is a unit consisting of members of the force which is organized to undertake civic and humanitarian projects.
 - (b) "HAFSM Project Team Base Camp" is a "defense site" as set forth in paragraph 2(g) of Article I of the Status of Forces Agreement. A HAFSM work site, however, is not a "defense site".

Article II

Applicability of Status of Forces Agreement

The provisions of the Status of Forces Agreement shall apply.

Article III

Provision of the Defense Sites

1. The Government of the Federated States of Micronesia shall provide to the Government of the United States the defense sites identified for HAFSM projects in accordance with Annex A to this Agreement.
 - (a) The provision of defense sites shall include all the necessary land and use rights for such sites, rights of access thereto, and road, pipeline and powerline easements as may be required.
 - (b) Any rent or other use charges or other consideration to owners of the lands in the defense sites shall be as provided in this Agreement. Such payments shall be made by the Government of the United States to the Government of the Federated States of Micronesia on behalf of its citizens.
2. Specific arrangements for establishment and use by the Government of the United States of defense sites in addition to those set forth in accordance with Annex A to this Agreement shall be between the Governments of the United States and the Federated States of Micronesia in accordance with Section 321 of the Compact, as amended.
3. The Government of the United States affirms that it has no present need for or present intention to seek the use of defense sites other than those identified for HAFSM projects in accordance with Annex A of this Agreement.
4. The Government of the United States shall notify the Government of the Federated States of Micronesia when it no longer has a requirement to retain any of the defense sites, or portions thereof, designated in this Agreement. Such defense sites, or portions thereof, shall then revert to the full and complete control of the Government of the Federated States of Micronesia for disposition to their lawful owners as determined by the Government of the Federated States of Micronesia in accordance with its constitutional processes.

Article IV

General Military Use and Operating Rights

1. Consistent with Section 352 of the Compact, as amended, the Government of the United States has free access to and unrestricted control of the defense sites, including the right to control entry to and exit from any or all defense sites and the right to take necessary measures for their establishment, use and operation. The Government of the United States may take, within the defense sites and within the seabeds, water areas and air space adjacent to or in the vicinity of the defense sites, such measures as are necessary for their use, security and defense. These measures include the right:
 - (a) To maintain the defense sites and to construct structures and improvements thereon;
 - (b) To improve and deepen the harbors, channels, entrances, and anchorages, to dredge and fill, and generally to fit the premises to their intended use;
 - (c) To control anchorages and moorings, the movements of ships and waterborne craft, aircraft operations and land movements;
 - (d) To regulate and control all communications of the Government of the United States to, from, and within the defense sites; and
 - (e) To install, maintain, use and operate defense-related oceanographic, aeronautical, space communications, and other military or scientific systems and equipment.
2. In conducting activities pursuant to paragraph 1 of this Article, the Government of the United States shall use its best efforts to:
 - (a) Avoid interference with commercial activities in the Federated States of Micronesia;
 - (b) Avoid interference with access by fishermen to shoreline areas;
 - (c) Avoid interference with navigation, aviation, communication and land or water travel in the Federated States of Micronesia;
 - (d) Avoid impeding access to recreational areas, particularly beach areas, by residents of and visitors to the Federated States of Micronesia;
 - (e) Minimize damage to the terrain and to reef areas;

- (f) Avoid harm to the environment, including water areas;
- (g) Avoid activities which would adversely affect the well-being of the residents of the Federated States of Micronesia; and
- (h) Notify the Government of the Federated States of Micronesia of non-routine activities so that the Government of the Federated States of Micronesia may take steps to assist the Government of the United States in executing its responsibilities to minimize any adverse impact of such activities.

Article V

Aids to Navigation

The Government of the United States shall place or establish and maintain in the defense sites and the water areas adjacent thereto or in the vicinity thereof, lights and other fixed and floating aids to navigation of vessels and aircraft necessary for operations pursuant to this Agreement. The Government of the United States shall consult with the Government of the Federated States of Micronesia on the position or characteristics of and any alterations to such aids to navigation.